

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT United States Courts
for the Southern District of Texas
Southern District of Texas
FILED
August 15, 2019

United States of America
v.

George Daniel McGavitt

Defendant(s)

David J. Bradley, Clerk of Court

Case No. **4:19mj1517**

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 1, 2019-May 31, 2019 in the county of Harris/Montgomery in the
Southern District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C § 2251(a) &(e)	Production of Child Pornography
18 U.S.C. § 2252A (a)(2)(B)	Receipt of Child Pornography

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.



Complainant's signature

Robert J. Guerra, FBI Special Agent

Printed name and title

Sworn to before me telephonically.

Date:

August 15, 2019

City and state: Houston, Texas



Judge's signature

Frances H. Stacy, USMJ

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Robert J. Guerra, being duly sworn, hereby depose and state the following:

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI), assigned to the Special Agent in Charge (SAC), in Houston, Texas. I have been so employed since November 2005. As part of my daily duties as an FBI agent, I am assigned to the FBI Houston Child Exploitation Task Force which, among other things, investigates criminal violations relating to child exploitation and child pornography, including violations pertaining to the illegal production, distribution, receipt and possession of child pornography, in violation of 18 U.S.C. §§ 2251, 2252A and 2252A et seq. I have received training in the areas of child pornography and child exploitation. I have had the opportunity to observe and review numerous examples of child pornography in all forms of media including computer media. Child Pornography, as defined in 18 U.S.C. § 2256, is:

“any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where – (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; . . . [or] (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.” For conduct occurring after April 30, 2003, the definition also includes “(B) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from that of a minor engaging in sexually explicit conduct.”

2. This Affidavit is made in support of a criminal complaint charging George Daniel MCGAVITT with violating 18 U.S.C. § 2251(a) & (e) and 2252A(a)(2) (production and receipt of child pornography).
3. Because this Affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation, I have set forth only those facts that I believe are necessary to establish probable cause that evidence of violation of 18 U.S.C. § 2251(a) & (e) and 2252A(a)(2)(B) (production and receipt of child pornography) occurred between the dates of March 1, 2019, and on or about May 31, 2019, have been committed by George Daniel

MCGAVITT. Where statements of others are set forth in this Affidavit, they are set forth in substance and in part.

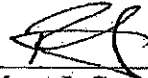
4. Facebook owns and operates a free-access social networking website of the same name that can be accessed at <https://www.facebook.com>. Facebook allows its users to establish accounts with Facebook, and users can then use their account to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the general public. Facebook also allows its users to engage in chat conversations with other Facebook users using Facebook messenger.
5. On May 26, 2019, the Washington County Sheriff's Office Washington County Arkansas was dispatched to the residence belonging to the parents of a minor female, identified as MV1 (birth year of 2005). MV1 had advised her parents that she had been involved in an online relationship with an adult male known as "Daniel McGavitt", who she believed resided in Texas. MV1 stated that her and MCGAVITT had been communicating via Facebook. MV1 stated McGavitt had requested on several occasions that she send him nude photographs or videos of herself engaging in sex acts. MV1 also detailed an occasion in April 2019, where MCGAVITT traveled to Arkansas from Texas and engaged in sexual intercourse with MV1.
6. Subsequent to the report taken by the Washington County Sheriff's Office, the information was relayed to the FBI Little Rock, Fayetteville Resident Agency for further investigation. FBI Little Rock, Fayetteville Resident Agency obtained a search warrant for 3 different Facebook accounts, including that of MV1 and the profile utilized by MCGAVITT. Investigators positively identified George Daniel MCGAVITT as the owner of the Facebook profile "Daniel McGavitt". Investigators were able to further identify MCGAVITT by placing him less than a mile from the residence of MV1 located in West Fork, Arkansas on April 11, 2019, when a tow truck was dispatched to remove his truck from a ditch.
7. On August 13, 2019, SA Guerra was made aware of the investigation involving MV1 and MCGAVITT. SA Guerra was able to confirm that MCGAVITT was residing in the Houston area, more specifically the Pasadena, Texas and Magnolia, Texas areas. SA

Guerra reviewed the material provided by Facebook as a result of the search warrant of the accounts of MV1 and MCGAVITT. SA Guerra observed communications between the account of MV1 and two different accounts belonging to MCGAVITT. SA Guerra observed at least 3 images depicting MV1 that are considered to be child pornography as defined in Title 18, United States Code, Section 2256. All three of the images received by MCGAVITT via Facebook depict MV1 either rubbing her vagina or MV1 inserting her fingers into her vagina.

8. SA Guerra observed at least two instances where MV1 advises MCGAVITT of her age and where MCGAVITT acknowledges that MV1 is in fact under the age of 18. MV1 stated in a private message to MCGAVITT on May 2, 2019, "I don't know maybe it just cuz I'm pretty tiny for a 14 year old". The next day, on May 3, 2019, at 17:15:14 MCGAVITT stated "Let me see ur pussy open ur pussy", MV1 responds a few minutes later by sending an image depicting a minor female with her hand rubbing her vagina. MV1 has confirmed that all the images sent to/received by MCGAVIT were in fact images she produced at his behest. Later in their communication via Facebook on May 15, 2019, MCGAVITT stated "I know I'm going to deal with a lot till u 18 and I'm ok with that babe".
9. SA Guerra observed several IP addresses resolving back to T-Mobile that were used to access the accounts belonging to MCGAVITT. All of the IP addresses observed by SA Guerra resolved back to the Houston, Texas area, which is located in the Southern District of Texas.

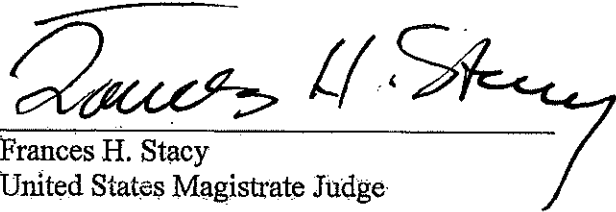
CONCLUSION

10. Based on all information set forth above, your Affiant believes there is probable cause to believe that between the dates of March 1, 2019, and on or about May 31, 2019, George Daniel MCGAVITT, was in violation of Title 18 U.S.C. § 2251(a) & (e) and 2252A(a)(2)(B) (the production and receipt of child pornography).



Robert J. Guerra
Special Agent, FBI

Sworn to me telephonically on this 15 day of August 2019, and I find probable cause.



Frances H. Stacy
United States Magistrate Judge